



Local Rule 2003-1 Meeting of Creditors and Equity Security Holders (2014)

(a) Attendance.

(1) The court may dismiss a voluntary case, except a case that has been converted from a chapter 11 case to a chapter 7 case or from a chapter 7 case to a chapter 13 case, or a case in which the court has determined under [§ 341\(e\) of the Code](#) [1] that no meeting of creditors is required, if the debtor or the debtor's attorney fails to appear at the scheduled or continued meeting of creditors required under [§ 341 of the Code](#) [1].

(2) The procedures for dismissal of a chapter 13 case for failure of the debtor or debtor's attorney to appear at the meeting of creditors are set forth in [Local Rule 2083-1\(e\)](#) [2]).

(3) In a case other than a chapter 13 case, if the debtor or the debtor's attorney fails to appear at the scheduled or continued meeting of creditors required under § 341 of the Code, the case trustee or U.S. Trustee must file a Section 341 Meeting Report (Report) indicating the failure to appear and serve it on the debtor and the debtor's attorney. If the Report contains a recommendation that the case not be dismissed, the case shall not be dismissed and administration of the case must continue without prejudice to any motion to dismiss filed by a party in interest. If the Report does not contain a recommendation that the case not be dismissed and if an objection to the trustee's Report is not filed within 21 days after the Report is mailed the clerk must enter an order dismissing the case. In a chapter 7 case, the objection must also move for an extension of the time fixed under [Fed. R. Bankr. P. 4007\(c\)](#) [3] and [4004\(a\)](#) [4] for filing a complaint under [§§ 523\(c\)](#) [5] and [727](#) [6] of the Code and the time fixed under [Fed. R. Bankr. P. 4003\(b\)\(1\)](#) [7] for filing objections to exemptions under [§ 522\(l\)](#) [8] of the Code. The objecting party must set a hearing and give notice to the case trustee and any party appearing at the meeting of creditors pursuant to Fed. R. Bankr. P. 9006(d). Unless the court orders otherwise, the clerk must enter an order dismissing the case if a hearing on the objection is not held within 40 days after the objection is filed.

(4) In a joint case where only 1 spouse appears, the non-appearing spouse will be dismissed from the case.

(b) Duties of the Debtor in Connection with the Meeting of Creditors. The debtor is required to provide documentation prior to and at the meeting of creditors as requested by the trustee or the United States trustee and as required in [§ 521](#) [9], [Fed. R. Bankr. P. 4002\(b\)](#) [10], and [Local Rule 4002-1\(b\)](#) [11]. In addition, a chapter 13 debtor is required to provide the documents listed in [Local Rule 2083-1\(d\)](#) [2] prior to or at the meeting of creditors.

(c) Telephonic Appearance at Meeting of Creditors. Under extenuating circumstances which prevent a debtor from appearing in person, a debtor may file a motion seeking permission to appear by telephone at a creditors' meeting required under [§ 341 of the Code](#) [1]. Extenuating circumstances may include military service, incapacitating condition, or incarceration. The motion must be filed and served on the trustee and the United States trustee no later than 5 days prior to the scheduled meeting, and may be ruled upon without a hearing. The motion must describe in writing any efforts to give notice to and confer with the trustee prior to the filing of the motion. If the motion is granted, the debtor must also serve a copy of the order allowing a telephonic appearance on the trustee and the United States trustee. The debtor must contact the trustee to determine the time, date and location for the telephonic appearance. The debtor is responsible for any costs associated with conducting a telephonic appearance.



(d) Costs of Meeting Facilities. If the circumstances of a particular case require that the meeting of creditors be held somewhere other than the usual facilities, the estate of the debtor will be responsible for the rent and other appropriate costs associated with conducting the meeting in an alternate facility.

(e) Notice of Rescheduled Meetings of Creditors. If the initial meeting of creditors is rescheduled, the clerk must give notice of the new date and time of the meeting unless otherwise directed by the court.

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Links

- [1] <https://www.law.cornell.edu/uscode/text/11/341>
- [2] <https://www.utb.uscourts.gov/local-rules/2014/2083/1>
- [3] https://www.law.cornell.edu/rules/frbp/rule_4007
- [4] https://www.law.cornell.edu/rules/frbp/rule_4004
- [5] <https://www.law.cornell.edu/uscode/text/11/523>
- [6] <https://www.law.cornell.edu/uscode/text/11/727>
- [7] https://www.law.cornell.edu/rules/frbp/rule_4003
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